

**IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON
FEBRUARY 1995 SESSION**

FILED

May 24, 1996

Cecil Crowson, Jr.
Appellate Court Clerk

DARRELL WAYNE TAYLOR,)	
)	
APPELLANT,)	No. 02C01-9408-CR-00153
)	
VS.)	SHELBY COUNTY
)	
)	HON. JOSEPH B. BROWN, JUDGE
)	
STATE OF TENNESSEE,)	(Habeas Corpus)
)	
APPELLEE.)	

FOR THE APPELLANT:

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AFFIRMED

OPINION FILED _____

JERRY SCOTT, SPECIAL JUDGE

OPINION

The appellant is an inmate in the State Penitentiary under sentence of death for the offense of murder in the perpetration of a robbery. On appeal to the Tennessee Supreme Court his conviction was affirmed. State v. Taylor, 774 S.W.2d 163 (Tenn. 1989). Certiorari was denied by the United States Supreme Court. Taylor v. Tennessee, 493 U.S. 945, 110 S. Ct. 355, 107 L.Ed. 2d 342 (1989).

Having previously sought and been denied post conviction relief, he has now filed his petition for the writ of habeas corpus, which was denied without a hearing. On appeal he asserts in four issues that the trial judge erred by dismissing the petition.

Habeas corpus relief is available in Tennessee only when a prisoner's sentence is "void or his term of imprisonment has expired." State v. Warren, 740 S.W.2d 427, 428 (Tenn. Crim. App. 1986). For habeas corpus relief to be granted under Tenn. Code Ann. § 29-21-101, Tennessee's state habeas corpus statute, it must appear on the face of the judgment or the record of the proceedings that the convicting court had no jurisdiction to sentence the prisoner or that his sentence of imprisonment or restraint has expired. Archer v. State, 851 S.W.2d 157, 164 (Tenn. 1993).

In this case nothing appears on the face of the record to establish either. The Criminal Court of Shelby County clearly had jurisdiction to sentence the appellant for a crime committed in that county. Furthermore, a sentence of death cannot expire until a prisoner is either electrocuted or dies of natural causes.

The judgment dismissing the petition is affirmed.

JERRY SCOTT, SPECIAL JUDGE

CONCUR:

JOSEPH M. TIPTON, JUDGE

DAVID H. WELLES, JUDGE